

REMARKS

Applicants thank the Examiner for the thorough examination of the application. No new matter is believed to be added to the application by this amendment.

Entry Of Amendment

Entry of this Amendment under 37 C.F.R. §1.116 is respectfully requested because it cancels claim 21 to thereby reduce issues for appeal. Alternately, entry is requested because this Amendment places the application in condition for allowance.

Status of the Claims

Upon entry of this Amendment, Claims 3-7 and 9-20 are pending in the application. Claim 21 is cancelled by this Amendment. The Examiner has withdrawn claims 3-7, 9, 14-17 and 19 from consideration.

Rejection Under 35 U.S.C. §102(b)/103(a) Over Okumura

Claim 21 is rejected under 35 U.S.C. §102(b) as being anticipated by or, alternately under 35 US.C. §103(a) as being obvious over Okumura '176 (U.S. Patent No. 6,370,176). Applicants traverse.

Claim 21 is canceled by this Amendment, thereby rendering this rejection moot.

Rejections Under 35 U.S.C. §102(b)/103(a) Over Doverspike

Claims 10-13, 18 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Doverspike (U.S. Patent 6,459,100). Claim 21 is rejected under 35 U.S.C. §102(b) as being anticipated by or, alternately under 35 U.S.C. §103(a) as being obvious over Doverspike. Applicants respectfully traverse.

The cancellation of claim 21 by this Amendment renders the rejection of this claim over Doverspike moot.

Distinctions Of The Invention Over Doverspike

Distinctions of the invention over Doverspike were set forth most recently at pages 13-17 of the Amendment filed August 18, 2005. For brevity, these distinctions are not repeated here.

The present invention pertains to an epitaxial substrate for a light-emitting device that includes an n-type first layer, an n-type second layer and a p-type third layer (see claim 10). Doverspike fails to teach or suggest this layer configuration.

At page 2 of the Advisory Action mailed September 2, 2005, the Examiner asserts “In regard to Doverspike, see the analysis concluding that layer 21 is n-type regardless of whether it is stated.”

However, the Examiner relies upon Figure 1 of Doverspike, which shows a quantum well 12 over which is consecutively formed an undoped GaN layer 15, and an undoped AlGaN layer 21 and a p-type AlGaN:Mg layer 22 (see Doverspike at column 5, lines 55-60). Doverspike thus fails to disclose or suggest that the undoped GaN layer 15 is n-type, and that the undoped AlGaN layer 21 is n-type.

Doverspike thus clearly fails to anticipate or suggest the invention of claim 10. Claims depending upon claim 10 are patentable for at least the above reasons.

This rejection is overcome and withdrawal thereof is respectfully requested.

Prior Art

The prior art cited but not utilized by the Examiner indicates the status of the conventional art that the invention supercedes. Additional remarks are accordingly not necessary.

Information Disclosure Statements

The Examiner is thanked for considering the Information Disclosure Statement filed May 24, 2004 and for making the initialed PTO-1449 form of record in the application in the Office Action mailed September 8, 2004. The Examiner is respectfully requested to consider the Information Disclosure Statement filed August 23, 2004 and to make the initialed PTO-1449 form of record in the application in the next official action.

The Drawings

The Examiner has indicated that the drawing figures are acceptable in the Office Action mailed September 8, 2004.

Foreign Priority

The Examiner has acknowledged foreign priority in the Office Action mailed September 8, 2004.

Filing Receipt

The Examiner is respectfully requested to indicate the status of the Official Filing Receipt.

Conclusion

The Examiner's rejections have been overcome obviated or rendered moot. No issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/614,062
Supplemental Amendment dated October 18, 2005
Response to Final Office Action of February 24, 2005

Docket No.: 3885-0107P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 18, 2005



Respectfully submitted,

By _____

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